THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.449 OF 2006

Date: 26-04-2006

Between:

C.Ramesh … Appellant

And

The Labour Court No.1, Hyderabad

And another … Respondents

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

-

WRIT APPEAL NO.449 OF 2006

J U D G M E N T ***(Per the Hon'ble Sri B.Prakash Rao, J):***

Heard both sides and at their request the main appeal itself is taken up for disposal.

The unsuccessful writ petitioner is the appellant herein, who seeks to assail the order dismissing the writ petition filed by him, *inter alia,* seeking to set aside the award of the Labour Court in a reference sought by him, wherein though reinstatement was ordered, back wages and other attendant benefits were denied.

Having heard learned counsel for the parties and on a perusal of the material available on record, it is seen that the appellant herein who was a driver was responsible for the death of a person due to his negligent driving and therefore, after conducting departmental enquiry he was removed from service, which ultimately resulted in raising a dispute before the Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court set aside the order of removal and directed to reinstate him into service without back wages and other attendant benefits. It is against this order, the appellant has filed the writ petition. The learned Single Judge, after taking into consideration the various submissions made across the bar, did not find in favour of the appellant in exercise of powers under Article 226 of the Constitution of India, more so, when such discretion has already been exercised by the Labour Court. Having regard to the same, we are in entire agreement with the finding of the learned Single Judge and no indulgence can be shown on the appellant, especially in view of such a severe accident. Hence, we do not find any merit in the appeal.

Accordingly the writ appeal is dismissed. No order as to costs.

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(B.PRAKASH RAO,J)

Dated 26th April, 2006

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(D.APPA RAO,J)

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